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Entered on Docket
October 31, 2007

A handwritten signature in black ink, appearing to read "R. Linda Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

5
6 **LEWIS AND ROCA LLP**
7 Susan M. Freeman (AZ 4199)
8 *pro hac vice*
9 Rob Charles (NV 6593)
10 Anne M. Loraditch (NV 8164)
11 530 Las Vegas Boulevard South
12 Las Vegas, Nevada 89101
13 Telephone (702) 385-3373
14 Facsimile (702) 385-9447
15 Email: sfreeman@lrlaw.com
rcharles@lrlaw.com
aloraditch@lrlaw.com

16 *Attorneys for USACM Liquidating Trust*

17 **ORRICK, HERRINGTON &**
18 **SUTCLIFFE LLP**
19 Marc A. Levinson (CA 57613)
20 *pro hac vice*
21 Jeffery D. Hermann (CA 90445)
22 *pro hac vice*
23 400 Capitol Mall
24 Sacramento, California 95814
25 Telephone: (916) 447-9200
26 Facsimile: (916) 329-4900
27 Email: malevinson@orrick.com
jhermann@orrick.com

28 *Attorneys for USA Capital Diversified Trust Deed Fund, LLC*

29 **SNELL & WILMER, LLP**
30 Robert R. Kinas (NV 06019)
31 Claire Dossier (NV 10030)
32 3883 Howard Hughes Parkway
33 Suite 1100
34 Las Vegas, Nevada 89169
35 Telephone: (702) 784-5200
36 Facsimile: (702) 784-5252
37 Email: rkinas@swlaw.com
cdossier@swlaw.com

38 In re:
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40 USA COMMERCIAL MORTGAGE COMPANY,
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42 USA CAPITAL REALTY ADVISORS, LLC,
43
44 USA CAPITAL DIVERSIFIED TRUST DEED
45 FUND, LLC,
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47 USA CAPITAL FIRST TRUST DEED FUND, LLC,
48
49 USA SECURITIES, LLC,

50 Debtors.

51 **Affects:**

52 All Debtors
 53 USA Commercial Mortgage Company
 54 USA Capital Realty Advisors, LLC
 55 USA Capital Diversified Trust Deed Fund, LLC
 56 USA Capital First Trust Deed Fund, LLC
 57 USA Securities, LLC

58 Case No. BK-S-06-10725-LBR
 59 Case No. BK-S-06-10726-LBR
 60 Case No. BK-S-06-10727-LBR
 61 Case No. BK-S-06-10728-LBR
 62 Case No. BK-S-06-10729-LBR

63 **CHAPTER 11**

64 Jointly Administered Under
 65 Case No. BK-S-06-10725 LBR

66 **ORDER SUSTAINING OBJECTION OF
 67 USACM TRUST TO ROSS DELLER'S
 68 CLAIM [NO. 10725-00039] FILED IN
 69 WRONG DEBTOR'S CASE; AND
 70 SUSTAINING OBJECTION OF DTDF TO
 71 PROPOSED ALLOWANCE OF CLAIM**

72 Hearing Date: October 15, 2007
 73 Hearing Time: 9:30 a.m.



1 The Court having considered the "Objection of USACM Trust to Ross Deller's
 2 Claim Filed in Wrong Debtor's Case; Objection of DTDF to Proposed Allowance of
 3 Claim" [Docket No. 4807] (the "Objection"); with appearances as set forth in the record at
 4 the hearing noted above; appropriate notice of the Objection having been given; no
 5 response to the Objection having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

7 1. The Objection is sustained;
 8 2. Proof of Claim No. 10725-00039 is disallowed in its entirety as against USA
 9 Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC ("DTDF");
 10 and
 11 3. Ross Deller's equity interest in DTDF is allowed in the amount of
 12 \$48,047.32 for account no. 6353, as reflected in DTDF's books and records as of April 13,
 13 2006.

14 PREPARED AND RESPECTFULLY SUBMITTED BY:

15 **LEWIS AND ROCA LLP**

16 By /s/ Anne M. Loraditch (008164)
 17 Susan M. Freeman
 18 Rob Charles
 19 Anne M. Loraditch
 20 530 Las Vegas Boulevard South
 21 Las Vegas, Nevada 89101
 22 Telephone: (702) 385-3373
 23 Facsimile: (702) 385-5024

24 *Attorneys for USACM Liquidating Trust*

15 **SNELL & WILMER, LLP**

16 By /s/ Claire Dossier (010030)
 17 Robert R. Kinas
 18 Claire Dossier
 19 3883 Howard Hughes Parkway, Suite 1100
 20 Las Vegas, Nevada 89169
 21 Telephone (702) 784-5200
 22 Facsimile (702) 784-5252

23 and
 24 **ORRICK, HERRINGTON &
 25 SUTCLIFFE LLP**

26 Marc A. Levinson
 27 Jeffery D. Hermann
 28 400 Capitol Mall, Suite 3000
 29 Sacramento, California 95814-4497
 30 Telephone: (916) 447-9200
 31 Facsimile: (916) 329-4900

32 *Attorneys for USA Capital Diversified
 33 Trust Deed Fund, LLC*



RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

- The Court waived the requirements of LR 9021.
- I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
 - approved the form of this order; and/or
 - waived the right to review the order; and/or
 - failed to file and serve papers in accordance with LR 9021(c); and the following have disapproved the form of the order:
n/a
- No opposition was filed to the objection and no other party or counsel appeared at the hearing.

LEWIS AND ROCA, LLP

By: s/ Anne M. Loraditch

Anne M. Loraditch (Nevada Bar No. 8164)
530 Las Vegas Boulevard South
Las Vegas, Nevada 89101

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